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In Part I are discussed the conflict between absolutism and feudalism on the one side and self government and democracy on the other, the transplanting of fictions of absolutism in America and the distribution of powers among American officials and other absolute principles of American government. In Part II are briefly discussed the rights that citizens have as against their government, the duties and responsibility of citizens as such (and he does not include among them the moral responsibility of writing to their congressmen), and direct legislation by which citizens may directly participate in governmental acts. In Part III are discussed the evolution of qualifications for the suffrage, the exclusion of the unfit therefrom, the inclusion of women, the formulation of electoral issues, nominations of candidates, registration of voters, legal safeguards in casting and counting of ballots. Part IV describes how the electorate is utilized in passing on constitutional provisions, on laws, and the provisions for, and the judicial decisions pertaining to, direct legislation. The provisions for making public officers responsible and responsive are discussed. These include the direct choice of senators, the protection given to legislators, the recall, legislative reference bureaus, the restraint on legislators by the bill of rights, the means of fixing responsibility on executive officers through the right of inquiry, publicity, civil service and the restraint on judicial officers.

Dr. Cleveland sees the hope of the future in the awakening of the electorate as evidenced, among other things, by the demand by women for the ballot, and in the new movement to give to the government a social purpose and to dispense with the doctrine of *laissez faire*. Among the means still to be provided for making the popular will effective, he especially emphasizes proper provisions for budget making, efficiency records and reports, and other provisions for poignant publicity.

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CORWIN, EDWARD S. *National Supremacy: Treaty Power vs. State Power.* Pp. viii, 321. Price, \$1.50. New York: Henry Holt and Company, 1913.

During the last few years there has been much discussion of the scope and limits of the treaty-making power of the United States. The subject is one which for many decades has occupied the attention of commentators on constitutional law, but during recent years it has become an acute international question. The helplessness of the government of the United States in giving adequate protection to foreigners resident within the states, and the humiliating position in which the President has been placed in replying to the protests of foreign governments have gradually developed a body of opinion in favor of the extension of federal authority in dealing with the treaty rights of resident aliens. The long series of outrages on foreigners beginning with the Chinese massacres in 1895 gave to the United States an unenviable reputation in international dealings. These outrages were a constant source of international irritation, and one cannot but feel that foreign governments were deserving of great credit for the patience and forbearance shown when their citizens and subjects suffered by reason of mob violence. This question of the scope of the

treaty-making power was moved further into the foreground of public attention by the California school regulations discriminating against Japanese, and later by the legislation of California, Arizona and New Mexico limiting the property rights of persons ineligible to United States citizenship. The significance of these questions, their bearing on the good name of the United States, and their direct relation to the maintenance of international peace give to the work of Mr. Corwin a position of exceptional importance not only for special students of constitutional law but for every one interested in the fostering of friendly relations with foreign countries.

In the arrangement of this work, the author first gives an excellent historical survey of the scope and limits of the treaty-making power under the Articles of Confederation, and then traces the development of this power under the Constitution, its exercise in our foreign relations as well as its interpretation by the federal courts.

In his conclusions the author is a pronounced nationalist, and his position is clearly shown when he contends that "the United States possesses adequate executive power to safeguard any large general interests entrusted to its keeping, even though Congress may have failed to provide the precise channels in which such executive power should flow." Applying this standard to the treaty-making power the author maintains:

1. "The right of the executive to interfere with such force as may be necessary, at all times and places, not simply for the enforcement of judicial decisions determinative of alien rights under treaty, for that faculty of the executive was already plain, but for the purpose of preventing an interference with such rights.

2. "The right of the federal courts to interfere by injunction, not merely upon the application of an alien whose property interests are menaced, but upon the application of the executive agents of the Government itself, to prevent injury to rights secured by treaty.

3. "Constitutes from the raw material, so to speak, of the treaty pledges of the United States, a standard of public policy of which all courts should take cognizance in evaluating contracts and other juristic acts of private parties, and of which the federal courts are obliged to take cognizance when adjudicating controversies between citizens of different States."

Dr. Corwin has performed a real service not only because of the fact that he has so clearly formulated the issue between federal and state authority, but has also presented a definite and constructive program, which will permit the federal government fully to meet its international obligations. Every one reading Dr. Corwin's book must be forced to the conclusion not only that the federal government must afford more ample judicial remedies to resident aliens whose property or persons have been injured through the violation of rights guaranteed under treaties, but that it is necessary for the government to go one step further, exercising the full authority of the executive in preventing attacks on the rights of aliens.

This book is a real contribution to the study of an intricate and delicate constitutional and international problem.

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